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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,370	04/27/2007	Markus Bauer	3867	8881
278	7590	12/10/2008		
MICHAEL J. STRIKER 103 EAST NECK ROAD HUNTINGTON, NY 11743				
EXAMINER				
NGUYEN, CHAU N				
ART UNIT		PAPER NUMBER		
2831				
MAIL DATE		DELIVERY MODE		
12/10/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/593,370

Applicant(s)

BAUER ET AL.

Examiner

Chau N. Nguyen

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16, 18 and 20-24 is/are rejected.
- 7) ☒ Claim(s) 17 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16, 18, 20, 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Funken et al. (6,124,550).

Funken et al. discloses a sleeve (13) for connecting an at least partially electrically conductive, elastically resilient sheath of an alternating current winding (12), which is placed in a groove (11) of a long-stator, to a ground conductor (15), consisting of a shell-like, resilient element being made of an electrically conductive metal sheet and partly enclosing said winding over more than a half of said winding in such a manner that said winding is pressable into said sleeve after said sleeve has been placed in said groove, wherein said sleeve has at least one inwardly protruding nominal contact-point (near the flange 14) forming a contact-area which presses into said sheath after said winding has been placed into said sleeve and a connecting element (17) for said ground conductor positioned at at

least one longitudinal end (re claim 16). Funken et al. also discloses the sleeve further having two longitudinal ends and two of said nominal contact-areas at each of said ends, said nominal contact-areas being arranged at outer edges (re claim 18), a connection lug (16) connecting said element with said sleeve, and said nominal contact point having a large-area configuration to reduce transition resistances from said sheath of said winding to said sleeve and from said sleeve to said ground conductor (re claim 20), the connecting element being connected to the sleeve in a one-part configuration by means of the connection lug (re claim 23).

Funken et al. also discloses a magnetic levitation railway, comprising a long-stator as a part of a long-stator linear motor and having grooves and an alternating current winding inserted into said grooves, wherein said winding has an at least partially electrically conductive sheath, said railway including a device for grounding the sheath, said device comprising a sleeve for connecting the sheath of the alternating current winding, which is placed in a groove of the long-stator, to a ground conductor, consisting of a shell-like, resilient element being made of an electrically conductive metal sheet and partly enclosing said winding over more than a half of said winding in such a manner that said winding is pressable into said sleeve after said sleeve has been placed in said groove, wherein said sleeve has at least one inwardly protruding nominal contact-point forming a contact-area

which presses into said sheath after said winding has been placed into said sleeve and a connecting element for said ground conductor positioned at at least one longitudinal end.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Funken et al.

Funken et al. discloses the invention substantially as claimed except for the sleeve, the element and the ground conductor being made of stainless steel. However, it would have been obvious to one skilled in the art to use stainless steel for the sleeve, the element and the ground conductor of Funken et al. since stainless steel is well-known in the art for its highly corrosion resistant.

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Funken et al. in view of Cope (963,035).

Funken et al. discloses the invention substantially as claimed except for the connecting element being a spring channel configured for resilient accommodation of the ground conductor. Cope discloses a device for connecting a cable to a ground conductor, comprising a connecting element (G) which is a spring channel destined for resilient accommodation of the ground conductor. It would have been obvious to one skilled in the art to modify the connecting element (17) of Funken et al. to be a spring channel as taught by Cope to simplify the connection steps by just inserting the ground conductor into the channel instead of welding.

Allowable Subject Matter

7. Claims 17 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments with respect to claims 16 and 24 have been considered but are moot in view of the new ground(s) of rejection.

Summary

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the

advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau N. Nguyen whose telephone number is 571-272-1980. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutiérrez can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chau N Nguyen/
Chau N Nguyen
Primary Examiner
Art Unit 2831